

NPSs – Where we are now

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All Energy

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Overview

Business as Usual

- Life prior to March 2010

Brave New World

- Life post March 2010

Unknown Future

- Life post May 2010

Recommendations for Cameron-Clegg

Life Prior to March 2010

Major onshore projects – past experience

- Numerous section 36 onshore wind farm applications in England & Wales
- Almost all have gone to public inquiry (3 weeks plus)
- A number of major conjoined inquiries (months / years)
- Slow decision making by SoS
- Often very determined, and well funded, objectors

Life Prior to March 2010

Hot topics at Public Inquiry

- Objector questioning of ES base data, especially noise and wind speed (including tactical accusations of ES inadequacy)
- Noise
- Aviation
- Bats
- Fear of unknown health effects

The Vision of a Brave New World

Why was a new approach needed to Infrastructure Planning?

- Need to replace ~1/3 of our electricity generating capacity in next 20 years.
- Need to improve our transport infrastructure – railways, ports, roads and airports – and water and waste infrastructure.
- The old planning system was not up to this challenge. It grew up incrementally, consisting of eight separate but overlapping regimes. It became cumbersome.

The Vision of a Brave New World

The Planning Act 2008

- National Policy Statements (NPSs) that integrate environmental, social and economic objectives and provide clarity on the **need for infrastructure**.
- Single consent regime requiring developers to submit a **single application** instead of many.
- A new duty – and greater onus – on **promoters** to ensure that proposals are properly prepared and consulted on before they submit an application for development consent and...

The Vision of a Brave New World

- Infrastructure Planning Commission (IPC), to take over responsibility for making decisions on nationally significant infrastructure applications.
- IPC decisions will be:
 - Made by **Commissioners**
 - In a streamlined and **timely manner**
 - Based primarily on, and **in accordance with NPSs**
 - Conducted in an **inquisitorial**, rather than in an adversarial manner

Creating The Brave New World

First 7 draft NPSs were published for public consultation and parliamentary scrutiny in November:

- Overarching NPS for Energy (EN-1)
- Fossil Fuel Electricity Generating Infrastructure (EN-2)
- Renewable Energy Infrastructure (EN-3)
- Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)
- Electricity Networks Infrastructure (EN-5)
- Nuclear Power Generation (EN-6)

• Ports NPS

The Brave New World - Energy NPSs

High level principles

- Operate as the primary policy documents for the IPC, applicants and other interested parties
- Designed to re-state & clarify existing policy, not to create new policy
- Designed to clearly distinguish legitimate planning issues from issues of government policy
- LPAs should have regard to NPSs, where relevant
- Do not seek to specify energy mix
- Do not seek to identify spatial locations (except for nuclear)

The Brave New World - Energy NPSs

Industry response (1)

- **Support adoption in principle.** NPSs are well developed with good wording. PPS22 / TAN8 no longer reflect urgency of climate change and scale of need for renewables
- **Support approach to energy mix.** It's not the role of IPC to pick technologies – no need to tip the playing field
- **Support approach taken.** NPSs are consistent with existing policy and market based approach

The Brave New World - Energy NPSs

Industry response (2)

- **Support non-spatial approach.** We recommend a criteria based approach over spatial identification
- **Welcome need for LPAs to give regard to NPSs when making decisions.** However, we need guidance for LPAs regarding material weight to be applied to NPSs at local level
- **Some points of detail:**
 - Require clearer wording on need to address climate change
 - Would like clearer statement of the government's ambition for renewables
 - Require clear guidance on the weight to be accorded to the 'need case'

Unknown Future – Life post May 2010

Current uncertainty:

- New (coalition) government
- New Planning Bill (!) to be put forward in Queen's Speech
- Proposals to abolish IPC
- Proposals for introduction of 3rd party rights of appeal
- Talk of a National Planning Framework (for England?)
- ... and NPSs remain in draft

Recommendations for Cameron-Clegg

Need to minimise uncertainty:

- Don't throw the baby out with the bath water – retain the functions of the IPC and policies of the NPSs
- Proceed with publishing NPSs
- Clarify transitional arrangements with the industry
- Advise against 3rd party rights of appeal

Recommendations for Cameron-Clegg

And if the IPC does go, it is crucial that:

- **Strong NPSs** are published (sooner rather than later)
- Decisions are made in accordance with NPSs
- 1 year **timetable for decision-making by SoS** remains
- Hearings are conducted in an **inquisitorial**, rather than in an adversarial manner, focusing on **planning issues**
- **NPSs continue to have material weight** at the local level